

REMARKS

The Examiner considered the newly added claimed filed on March 21, 2005, but that the new claims are rendered moot in view of a new grounds of rejection.

Claim Objections

Claims 21-28 were objected to. The Examiner found the character “B” in claim 21, line 4 should be changed to “—at said distal end; wherein said first frame has a generally C configuration with an upper arm and a lower arm, and said pivot mount is on outer end of said upper arm--.” Applicant has accordingly amended claim 21.

Claims 22-28 were objected to as not being dependent on claim 21. Applicant has amended the claims to properly designate dependencies.

Double Patenting

The Examiner made a double-patenting rejection of claims 21-34 under 35 USC 101, stating that they claim the same invention as that of claim 1-14 of prior U.S. Patent 6,697,118. It was said that application claims 21-34 are verbatim identical to patent claims 1-14 respectively.

Applicant has amended claims 21, 29, 30 and 32, adding the limitation that the second frame is pivotally mounted through a pivoting link to said first frame at said pivot mount for freely pivoting about said horizontal axis. This limitation avoids the double-patenting rejection as the amended claims do not read on unamended claims 21-34 (nor on claims 1-14 of the ‘118 patent) which recite that the second frame is pivotally mounted to the first frame *at said pivot mount* for freely pivoting about said horizontal axis. Support for the limitation of mounting the second frame through a pivoting link to the first frame is found in Figure 1 (element no. 24), Figure 2 (element 64), and Figure 3 (element 92). See the specification:

p. 3, last paragraph: “A second of two part inner frame 20,22 is pivotally mounted to the first frame through a pivoting link 24 at a horizontal pivot mount of journal that includes a stud or bolt. 26.”

p. 6, second paragraph, second line “link 64”


p. 7, second paragraph, line 13, "pivot 92"

Withdrawal of the double-patenting rejection is respectfully requested.

In view of the amendments and remarks herein, Applicant requests reconsideration of the rejections, and advancement of the claims toward allowance. The Examiner is requested to contact Applicant's representative Harris Brotman at (619) 230-7455 or hbrotman@gordonrees.com should there be questions or points of clarification related to this paper.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501990 and please credit any excess fees to such deposit account.

Respectfully submitted,

By: 

Dated: June 23, 2005

Harris F. Brotman
Registration No. 35,461

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (619) 696-6700
Facsimile: (619) 696-7121